

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TRITON IP, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION, ET. AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 6:06-CV-192 (LED)

JURY DEMANDED

**TRITON IP, LLC’S REPLY TO ORACLE CORPORATION AND
SIEBEL SYSTEMS, INC.’S COUNTERCLAIMS**

TRITON IP, LLC (“Triton”), plaintiff in the above-entitled and numbered civil action, files its reply to Oracle Corporation (“Oracle”) and Siebel Systems, Inc.’s (“Siebel”) counterclaims filed on August 7, 2006, and states as follows:

26. Triton admits the allegations in paragraph 26.
27. Triton admits the allegations in paragraph 27.
28. Triton admits the allegations in paragraph 28.
29. Triton admits the allegations in paragraph 29.
30. Triton admits the allegations in paragraph 30.
31. Triton admits the allegations in paragraph 31.
32. Triton admits the allegations in paragraph 32.
33. Triton admits the allegation in paragraph 33 that an actual controversy exists.
34. Oracle and Siebel incorporated by reference their allegations regarding
“paragraphs 1 through 8 of Section III of this Answer,” which require no reply.

- 35. Triton admits the allegations in paragraph 35.
- 36. Triton admits the allegations in paragraph 36.
- 37. Triton denies the allegations in paragraph 37.
- 38. Oracle and Siebel incorporated by reference their allegations regarding
“paragraphs 1 through 8 of Section III of this Answer,” which require no reply.
- 39. Triton admits the allegations in paragraph 39.
- 40. Triton denies the allegations in paragraph 40.
- 41. Oracle and Siebel demanded a jury trial, which require no reply.

REPLY TO “RELIEF DEMANDED”

Triton denies that Oracle and Siebel are entitled to any relief whatsoever, and, therefore, denies their requests for relief in their entirety.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Triton requests the following relief:

- a. The dismissal of Oracle and Siebel’s counterclaims for declaratory relief;
- b. Judgment finding that Oracle and Siebel infringes the patents subject to
this suit;
- c. Judgment finding that the patents subject to this suit are valid and
enforceable;
- d. An award of Triton’s attorney’s fees and costs, together with pre-judgment
and post-judgment interest in the maximum amount provided by law; and
- e. All other relief to which Triton may be entitled.

Respectfully submitted,



Danny L. Williams – Attorney in Charge
State Bar No. 21518050

J. Mike Amerson
State Bar No. 01150025

Ruben S. Bains
State Bar No. 24001678

Williams, Morgan & Amerson, P.C.

10333 Richmond, Suite 1100

Houston, Texas 77042

Telephone: (713)934-4060

Facsimile: (713) 934-7011

E-mail: danny@wma.law.com

E-mail: mike@wma.law.com

David M. Pridham

R.I. State Bar No. 6625

207 C North Washington Avenue

Marshall, Texas 75670

Telephone: (903) 234-0507

Facsimile: (903) 234-2519

E-mail: david@ipnav.com

Eric M. Albritton

State Bar No. 00790215

J. Scott Hacker

State Bar No. 24027065

Albritton Law Firm

P.O. Box 2649

Longview, Texas 75606

Telephone: (903) 757-8449

Facsimile: (903) 758-7397

Email: ema@emafirm.com

Email: jsh@emafirm.com

T. John Ward, Jr.
State Bar No. 00794818
Law Office of T. John Ward, Jr. P.C.
P.O. Box 1231
Longview, Texas 75606
Telephone: (903) 757-6400
Facsimile: (903) 757-2323
Email: jw@jwfirm.com

ATTORNEYS FOR PLAINTIFF
TRITON IP, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 28th day of August, 2006.

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton